

Exhibit Rho

Poindexter verses Greenhow, 114 U.S. 270, 5 S. Ct. 903 (1885).

*"... the maxim that the King can do no wrong has no place in our system of government; yet it is also true, in respect to the State itself, that whatever wrong is attempted in its name is imputable to its government and not to the State, for, as it can speak and act only by law, whatever it does say and do must be lawful. **That which therefore is unlawful because made so by the supreme law, the Constitution of the United States, is not the word or deed of the State, but is the mere wrong and trespass of those individual persons who falsely spread and act in its name.**"*

*"This distinction is essential to the idea of constitutional government. **To deny it or blot it out obliterates the line of demarcation that separates constitutional government from absolutism, free self-government based on the sovereignty of the people from that despotism, whether of the one or the many, which enables the AGENT of the state to declare and decree that he is the state;** to say 'L'Etat, c'est moi.' Of what avail are written constitutions, whose bills of right, for the security of individual liberty, have been written too often with the blood of martyrs shed upon the battle-field and the scaffold, if their limitations and restraints upon power may be overpassed with impunity by the very **AGENCIES** created and appointed to guard, defend, and enforce them; and that, too, with the sacred authority of law, not only compelling obedience, but entitled to respect? **And how else can these principles of individual liberty and right be maintained, if, when violated, the judicial tribunals are forbidden to visit penalties upon individual offenders, who are the INSTRUMENTS OF WRONG, whenever they interpose the shield of the state? The doctrine is not to be tolerated.** The whole frame and scheme of the political institutions of this*

Exhibit Rho

country, state and federal, protest against it. Their continued existence is not compatible with it. ***It is the doctrine of ABSOLUTISM, pure, simple, and naked, and of COMMUNISM which is its twin, the double progeny of the same evil birth."***